

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 23-MJ-

5194

RYAN JOHNSTON

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about August 18, 2023, and on or about August 26, 2023, in the Western District of New York, the defendant, RYAN JOHNSTON, did knowingly and willfully transmit in interstate commerce, communications, that is, telephone calls, which contained threats to injure the person of another, specifically, various members of the Buffalo Police Department, in violation of Title 18, United States Code, Section 875(c).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

ANTHONY J. VESICH
Special Agent
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: October 12, 2023

Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO) SS:

INTRODUCTION

I, ANTHONY VESICH, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, having been duly sworn, states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") of the United States Department of Justice. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. I have served as an FBI Special Agent since October 2019 and am currently assigned to the FBI Safe Streets Task Force¹ ("FBI-SSTF") in Buffalo, New York. During that time, I have participated in investigations involving human, drug, and weapons trafficking, neighborhood-based street gangs, organized crime matters, and violent crimes including investigations that utilized the execution of arrest warrants of persons and search

¹ The FBI-SSTF is comprised of Agents and Investigators from the Federal Bureau of Investigation, Immigration and Customs Enforcement, Erie County Sheriff's Office, New York State Parole, NFTA Police Department, Lackawanna Police Department, and the Buffalo Police Department.

warrants on residences and vehicles. Over the course of those investigations, I have conducted interviews of witnesses and subjects, supervised, and handled confidential informants, participated in and supervised physical and electronic surveillance, utilized pen registers and trap and trace devices, executed search and arrest warrants, and conducted consensually recorded telephone calls between confidential informants and subjects. In addition, I have had the opportunity to work with other FBI Special Agents and other law enforcement agents and officers of varying experience levels. My investigative experience detailed herein, and the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. This investigation is being conducted by Special Agents of the FBI and other law enforcement personnel assigned to the FBI-SSTF, Buffalo Police Department, and Special Agents and other law enforcement personnel assigned to FBI Charlotte, North Carolina. Your Affiant is fully familiar with the facts and circumstances of this investigation, from both my personal knowledge based upon my participation in this investigation, as well as from statements by and/or reports provided to me by law enforcement personnel of the FBI-SSTF and other law enforcement agencies.

4. This affidavit is being submitted in support of (1) a Criminal Complaint charging RYAN JOHNSTON (“JOHNSTON”) with violating Title 18, United States Code, Section 875(c), making threats in or affecting interstate commerce on or about August 18, 2023, from a cellular telephone bearing **T-Mobile** number 951-223-0272 (“**Target Telephone**”). Because this affidavit is being submitted for the limited purpose of

establishing probable cause for the requested criminal complaint, I have not presented all the facts of this investigation to date. Rather, I have set forth sufficient information to establish probable cause for the requested criminal complaint.

PROBABLE CAUSE

5. On August 18, 2023, at approximately 10:12 PM EST, a member of the Buffalo Police Department (BPD) C-District received a call from an individual who identified himself as RYAN JOHNSTON. During the initial call, RYAN JOHNSTON became noticeably angry. He then began to place non-stop calls to various members of the BPD C-District lasting until approximately 3:00 AM. During that timeframe, he placed over 50 calls from the same **T-Mobile** number 951-223-0272 ("**Target Telephone**"). He communicated threats to dispatchers, including that he would kill employees including professional staff and Law Enforcement Officers. **JOHNSTON** told the C-District receptionist that if she was in North Carolina, **JOHNSTON** would "hang her black ass from a tree". In subsequent phone calls, **JOHNSTON** stated that he would come to Buffalo and shoot officers and he "didn't give a fuck". **JOHNSTON** stated that he would "kill any niggers that wanted to fuck around and find out".

6. On August 26, 2023, threatening calls of the same nature from **JOHNSTON** were also received at Buffalo Police Department B-District. **JOHNSTON** again threatened to come to Buffalo and "Fuck Officers up".

7. A phone registry search revealed the Target Telephone was registered to a "Ryan Michael Dewitte Johnston" who resides in Lenoir, North Carolina.

CONCLUSION

8. Based on the facts articulated in this affidavit, I submit that probable cause exists to believe that on or about August 18, 2023, **RYAN JOHNSTON** violated Title 18, United States Code, Section 875(c), making threats in or affecting interstate commerce.

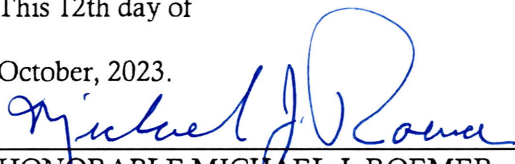


ANTHONY VESICH
Special Agent
Federal Bureau of Investigation

Sworn to telephonically,

This 12th day of

October, 2023.



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge